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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/584,157

04/19/2007

Dirk Dobrindt

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EXAMINER

MCCULLOUGH, MICHAEL C

ART UNIT

PAPER NUMBER

3653

MAIL DATE

DELIVERY MODE

02/09/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/584,157

Applicant(s)

DOBRINDT, DIRK

Examiner

MICHAEL C. MCCULLOUGH

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The amendment filed 16 November 2010 has been entered.

Claim Objections

1. Claims 1-9 are objected to under 37 C.F.R. 1.75(i) for not separating each element or step by a line indentation. Appropriate correction is required.
2. Claims 6-8 are objected to because of the following informalities: claim 6 line 3, "the direction of rotation" should be "a direction of rotation". Appropriate correction is required.
3. Claim 9 is objected to because of the following informalities: lines 6-7, "the uppermost deposited sheet" should be "an uppermost deposited sheet". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claims 1 and 2 recite "a radial exterior side" in lines 8-9 and 5. A radius is a line, it is unclear how there is a radial exterior side. Should this be "a circumferential exterior side"?
6. Claim 9 recites "a radial exterior side" in line 5. A radius is a line, it is unclear how there is a radial exterior side. Should this be "a circumferential exterior side"?

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Delfosse et al. (FR 2760733 A1). Delfosse et al. discloses an apparatus for depositing a sheet on a stack comprising a stack bar (26) adjacent to the stack (see Figure 4), a stacking device 924) rotatable about an axis of rotation (center of 24) to grasp and deposit the sheet on the stack, the stacking device including a drag element (47a,b) arranged on a radial exterior side of the stacking device and carried along during rotation thereof (see Figure 4), so that the drag element pulls the uppermost deposited sheet on the stack toward the stack bar (see Paragraph 220

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delfosse et al. (FR 2760733 A1) in view of d'Agrella et al. (US 6,199,860 B1). Delfosse et al. discloses an apparatus for depositing a sheet on a stack for a delivery unit of a printing machine, the apparatus comprising at least one stacking device (24) which can be driven so as to rotate about an axis of rotation (center of 24) in order to grasp and deposit the sheet, and includes at least one drag element (47a,b) which is arranged on the at least one stacking device and carried along during rotation (see Figure 4), wherein the at least one drag element is provided for shifting deposited sheets and for

pulling sheets (see Paragraph 22) toward a stack abutment (26), the at least one drag element being arranged relative to the axis of rotation on a radial exterior side of the at least one stacking device and movable in a radial direction relative to the at least one stacking device (see Figure 4). Delfosse et al. does not disclose the at least one stacking device includes at least two accommodation segments arranged on independently coaxially rotating stacking members which are actuated together or separately. However, d'Agrella et al. discloses a similar device that includes at least one stacking device includes at least two accommodation segments (24a,d) arranged on independently coaxially rotating stacking members (22a,d) which are actuated together or separately (see column 3 line 10 through column 4 line 23) for the purpose of providing optimum delivery of sheets to the input means (see column 4 lines 21-23). It would have been obvious for a person of ordinary skill in the art at the time of the applicant's invention to modify Delfosse et al. by utilizing at least one stacking device includes at least two accommodation segments arranged on independently coaxially rotating stacking members which are actuated together or separately, as disclosed by d'Agrella et al., for the purpose of providing optimum delivery of sheets to the input means.

Allowable Subject Matter

9. Claims 3-8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments, see page 6, filed 16 November 2010, with respect to the rejection(s) of claim(s) 1-6 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Delfosse et al. and Delfosse et al. in view of d'Agrella et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL C. MCCULLOUGH whose telephone number is (571)272-7805. The examiner can normally be reached on Monday-Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stefanos Karmis can be reached on (571) 272-6744. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael C McCullough/
Examiner, Art Unit 3653